

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF ILLINOIS**

**UNITED STATES OF AMERICA,**

**Plaintiff,**

**v.**

**TOMMIE LEE HOPKINS,**

**Defendant.**

**No. 08-30226-DRH**

**ORDER**

**HERNDON, Chief Judge:**

Now before the Court is Defendant Tommie Lee Hopkins' third motion for continuance (Doc. 27). Defendant states that he has received additional discovery and his counsel has not had time to properly review the discovery. The Government does not object to the continuance. To force the Defendant to trial without adequate time to prepare would constitute a miscarriage of justice. In addition, the Court finds the pursuant to **18 U.S.C. § 3161(h)(7)(A)**, the ends of justice served by the granting of such a continuance outweigh the interests of the public and Defendant Hopkins in a speedy trial.

Therefore, the Court **GRANTS** Defendant's motion for continuance (Doc. 27) and **CONTINUES** the trial set for Monday, May 11, 2009 until **June 15, 2009 at 9:00 a.m.** The time from the date Defendant Hopkins' motion was filed, May 6, 2009 until the date on which the trial is rescheduled, June 15, 2009 is excludable for purposes of a speedy trial. This case was indicted last October and current defense counsel entered his appearance at the end of January. The Court strongly

encourages both sides, in the interest of the public and the Defendant, to have all discovery completed and examined, such that this matter can be litigated at the next trial setting.

Should either party believe that a witness will be required to travel on the Justice Prisoner and Alien Transportation System (JPATS) in order to testify at the trial of this case, a writ should be requested at least two months in advance.

**IT IS SO ORDERED.**

Signed this 7th day of May, 2009.

/s/ David R. Herndon

**Chief Judge  
United States District Court**